

CHAPTER XIX: RECALL OF COUNCILPERSONS

Section

- 1 Recall of councilpersons; procedure; election of successors
- 2 [Failure, refusal of council to order election]

§ 1 RECALL OF COUNCILPERSONS; PROCEDURE; ELECTION OF SUCCESSORS.

Any councilperson of this city may be recalled and removed from office by the electors qualified to vote for a successor of such incumbent as herein provided. The procedure to remove councilpersons shall be as follows:

A petition signed by the qualified voters entitled to vote for a successor to the councilperson sought to be removed, equal in number to at least twenty (20) percentum of the entire number of persons entitled to vote for a successor to said councilperson at said time, demanding the recall of said councilperson shall be filed with the city secretary, provided that such petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers to each of such papers shall make oath before an officer competent to administer oaths that each signature is that of the person whose name it purports to be. Within ten (10) days from the filing of such petition, the city secretary shall examine the same and from the list of qualified voters ascertain whether or not said petition is signed by the requisite number of qualified voters, and, if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition a certificate showing the result of such examination. If, by the secretary's certificate, the petition is shown to be insufficient, it may be amended within ten (10) days from the date of said certificate. The secretary shall within ten (10) days after such amendment is filed, if any is so filed with him, make like examination of the said amended petition, and if his certificate shall show same to be insufficient, it shall be returned to the person filing same without prejudice, however, to the filing of a new petition based upon new and different grounds, but not upon the same grounds.

If the petition be found sufficient, the secretary shall submit the same to the City Council without delay. If an election is to be held within the city for any other purpose within sixty (60) days from the date of said certificate, then the said recall election shall be held on the same day. If the councilperson in question resigns, no election shall be necessary and the vacancy shall be filled as in other cases of vacancies.

The provisions regulating examination, certification and amendment of initiative petitions shall apply to recall petitions. If the petition is certified by the city secretary to be sufficient and the councilperson whose removal is sought does not resign within five (5) days after the certification to the council, the council shall order and hold a recall election in the affected district. Such election shall be held on the first available election date specified pursuant to Article 2.01b of the Texas Election Code unless the council shall request, and receive, permission from the governor to call an emergency special election. If a recall petition should be certified within thirty (30) days of an election date, the council may set the election for the next date following the impending special election date or it may request permission for an emergency special election date from the governor.

Ballots used at recall elections shall conform to the following requirements:

(1) With respect to each person whose removal is sought the question shall be submitted "Shall (name of councilperson) be removed from the office of City Councilperson?"

(2) Immediately below each such question there shall be printed the two (2) following positions, one above the other, in the order indicated:

"For the recall of (name of councilperson)."

"Against the recall of (name of councilperson)."

If a majority of the votes cast at a recall election shall be against removal of the councilperson named on the ballot, he/she shall continue in office. If the majority of the votes cast at such election be for the removal of the councilperson named on the ballot, the council shall immediately declare his/her office vacant and such vacancy shall be filled in accordance with the provisions of this Charter for the filling of vacancies. A councilperson thus removed shall not be a candidate to succeed himself in an election called to

fill the vacancy thereby created.

No recall petition shall be filed against a councilperson within six (6) months after he takes office, and no councilperson shall be subject to more than two (2) recall elections during a term of office.

§ 2 [FAILURE, REFUSAL OF COUNCIL TO ORDER ELECTION].

Should the council fail or refuse to order an election as herein provided for the recall of a councilperson, when all the requirements for such election have been complied with by the petitioning citizens, in conformity with this chapter of the Charter, then it shall be the duty of any one of the district judges of Tarrant County, Texas, upon proper application being made therefor, to order such election and to enforce the carrying into effect of the provisions of this chapter of the Charter.

CHAPTER XX: THE INITIATIVE

Section

- 1 Power to initiate ordinances
- 2 Preparation of initiative petitions
- 3 Filing of petitions
- 4 Submission of petition to council
- 5 Election on initiated measures
- 6 Initiative ballots
- 7 Number of measures to be initiated; initiated ordinances subject to amendment or repeal by council

§ 1 POWER TO INITIATE ORDINANCES.

The qualified voters of this city shall have the right, at their option, to propose ordinances, not in conflict with this Charter, the Constitution or the laws of the State of Texas, and to adopt the same at the polls, such power being known as the initiative. A petition, meeting the requirements hereinafter provided and requesting the council to pass an ordinance, therein set forth or designated, shall be termed an initiative petition, and shall be acted upon as hereinafter provided.

§ 2 PREPARATION OF INITIATIVE PETITIONS.

Signatures to initiative petitions need not all be on one paper, but the circulator of every such paper shall make an affidavit substantially as follows: That each signature appended to the paper is the genuine signature of the person whose name it purports to be and was made by said person in his presence. With each signature shall be stated the place of residence of the signer, giving the street and number, or other description sufficient to identify the place. Each signature shall be in ink or with indelible pencil. All such papers pertaining to any one measure shall have written or printed thereon the names and addresses of at least five (5) registered voters who shall be officially regarded as filing the petition, and shall constitute a committee of the petitioners for the purposes hereinafter named. All such papers shall be filed in the office of the city secretary as one instrument.

§ 3 FILING OF PETITIONS.

Within ten (10) days after the filing of the petition, the city secretary shall ascertain by examination the number of registered voters whose signatures are appended thereto, and whether this number is at least twenty (20) per cent of the total number of registered voters as shown by the registration books, and he shall attach to said petition his certificate showing the result of said examination. If by the secretary's certificate, of which notice in writing shall be given to one or more of the persons designated, the petition is shown to be insufficient it may be amended within ten (10) days from the date of said certificate by filing supplementary petition papers with

additional signatures. The secretary shall, within ten (10) days after such amendment, make examination of the amended petition, and if his certificate shall show to be insufficient, the secretary shall file the petition in his office and shall notify each member of the committee to that effect. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose; but no new petition covering the same ordinance in substance shall be filed until at least six (6) months have elapsed.

§ 4 SUBMISSION OF PETITION TO COUNCIL.

If the petition shall be found to be sufficient, the secretary shall so certify and submit the proposed measure to the council at its next meeting. Upon receiving the proposed measure the council shall at once proceed to consider it and shall take final action thereon within thirty (30) days from the date it is filed with them.

§ 5 ELECTION ON INITIATED MEASURES.

If the council shall fail to pass the proposed measure, or shall pass it in a form different from that set forth in the petition, then the measure shall, if demanded in writing by the committee, be submitted by the council to the vote of the electors at the next election occurring in the city; provided, that the City Council shall, if in their judgment the public interests demand it, order an election to be held at an earlier date to be fixed by the council.

§ 6 INITIATIVE BALLOTS.

The ballot used in voting upon an initiated ordinance shall state the caption of the ordinance and below the caption shall set forth on separate lines the words, "For the Ordinance" and "Against the Ordinance."

Where an initiated ordinance and an alternative ordinance proposed by the council are submitted, the ballot shall state the captions of each ordinance, clearly designating them "Ordinance No. 1" and "Ordinance No. 2," respectively, and shall set forth below the captions on separate lines the words "For Ordinance No. 1," "For Ordinance No. 2,". Where an initiated ordinance and an alternative ordinance are submitted each voter shall vote "For" only one ordinance. Where an initiated ordinance and an alternative ordinance are submitted to the voters, the measure that receives the highest number of favorable votes shall prevail in that election.

(Ord. 22081-02-2016, § 2(IX), 2-2-2016, approved 5-7-2016)

§ 7 NUMBER OF MEASURES TO BE INITIATED; INITIATED ORDINANCES SUBJECT TO AMENDMENT OR REPEAL BY COUNCIL.

Any number of proposed measures may be voted upon at the same election in accordance with the provisions of this Charter. Initiated ordinances, adopted by the electors, shall be published and may be amended or repealed by the council as in the case of other ordinances; but not until two years after such ordinance or ordinances shall become effective.

CHAPTER XXI: REFERENDUM

Section

- 1 [Submission of ordinance to voters prior to taking effect or within thirty days of passage; section not applicable to routine or emergency measures, general appropriation ordinance or bond ordinances]
- 2 [Referendum petition]
- 3 [Alteration or amendment or proposed ordinance]
- 4 Ordinances passed by referendum subject to amendment or repeal by council after six months
- 5 [Referendum relative to purchases and sales of public property by city]

§ 1 [SUBMISSION OF ORDINANCE TO VOTERS PRIOR TO TAKING EFFECT OR WITHIN THIRTY DAYS OF PASSAGE; SECTION NOT APPLICABLE TO ROUTINE OR EMERGENCY MEASURES, GENERAL APPROPRIATION ORDINANCE OR BOND ORDINANCES.]

If prior to the date when an ordinance of a general nature passed by the council shall take effect, or within thirty (30) days after the passage of same, a referendum vote should be demanded on same, as hereafter provided, such ordinance shall be submitted to the legal voters of the City of Fort Worth, and the same shall not be effective and valid until the said ordinance shall have been approved by a majority of those voting thereon; provided, that this section shall not apply to mere matters of routine, or emergency measures passed on the ground of urgent public need for the preservation of peace, health, safety or property, by a vote of not less than three-fourths of the City Council, nor to the general appropriation ordinance or bond ordinances.

§ 2 [REFERENDUM PETITION.]

Whenever there shall be presented to the City Council a petition or petitions, signed by twenty (20) per cent of the registered and qualified legal voters of said city, demanding that an ordinance passed by the council, and set forth in said petition or petitions, be submitted to a vote of the qualified electors of the city, it shall be the duty of the council to submit such proposed ordinance to a vote of the qualified electors of said city at the next election held thereafter by said city. The signatures to said petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. All signatures must be made in ink or with indelible pencil. One of the signers of said petition shall make oath before a duly qualified officer that the statements therein are true and that each signature to said petition is a genuine signature of the person whose name it purports to be and was signed in his presence by such person; provided, that any petition intended to require a submission to referendum of an ordinance enacted by the City Council shall be presented to the council within thirty (30) days after the enactment of such ordinance, and not thereafter. The City Council may, if in its judgment the public interest so demands, provide for such referendum election to be held at an earlier date than that of the next ensuing election, in which event the said date shall be fixed by the council.

§ 3 [ALTERATION OR AMENDMENT OR PROPOSED ORDINANCE.]

If the City Council shall alter or amend said proposed ordinance (as it may do), and such amended ordinance should not be satisfactory to the persons demanding the referendum, then the said amended ordinance shall be, if demanded in writing by a committee of five (5) signers, to be designated in the petitions as the committee to act for the said petitioners, submitted to a vote of the people at the next election ensuing in the city, unless a different date be set by the council. Or if said ordinance should not be amended or altered by the City Council, the same course shall be taken in respect thereto as in the case of amended ordinances.

The ballots used in such election shall contain the words, -"For the Ordinance Passed by the City Council on a certain date" (stating the nature of the ordinance), and "Against the said Ordinance." If a majority of the votes cast shall be in favor of the adoption of said ordinance, the said ordinance as passed shall be valid and effective, as other ordinances of the city, upon proper publication if required. If a majority of the votes cast as [at] such election be against the said ordinance it shall not be valid and effective.

§ 4 ORDINANCES PASSED BY REFERENDUM SUBJECT TO AMENDMENT OR REPEAL BY COUNCIL AFTER SIX MONTHS.

Referendum ordinances adopted by the electors shall be published and may be amended or repealed by the council as in the case of other ordinances, but not until six (6) months after such ordinance shall become effective.

§ 5 [REFERENDUM RELATIVE TO PURCHASES AND SALES OF PUBLIC PROPERTY BY CITY.]

The City of Fort Worth may take, hold and purchase such personal property, chattels, animate and inanimate, lands and real property as may be needed for the corporate purposes of said city, whether in or out of the corporate limits of the city, and may sell, lease, alienate, exchange or encumber any real estate or personal property owned or acquired by it; provided, however, that no sale shall be made of any public property owned by said city whose value exceeds one hundred twenty-five thousand dollars (\$125,000.00), without first making such intention known by means of publication in the official newspaper of the city once a week for four (4) consecutive weeks, during which time it shall be lawful for qualified voters, who shall not be fewer than ten (10) percent of the number of voters who voted in the most recent municipal election for mayor to petition the City Council for a referendum, in which event the matter of

such sale shall be referred to the people at an election to be held for that purpose, at the time and in the way and manner to be prescribed by the City Council of said city, and in the event a majority of the votes cast at such election is in favor of such proposition, then the sale shall be made; otherwise, such sale shall not take place.

(Ord. 16797, § 1(X), 1-24-2006, approved 5-13-2006)